

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT.

OAH CASE NO. 2014050758

ORDER FOLLOWING PRE-HEARING
CONFERENCE

On October 6, 2014,, a telephonic prehearing conference (PHC) was held before Administrative Law Judge Eileen Cohn, Office of Administrative Hearings (OAH). Mother appeared on behalf of Student. Adam Newman, Attorney at Law, appeared on behalf of District. The PHC was recorded.

Based on discussion of the parties, the ALJ issues the following order, effective October 6, 2014:

On October 6, 2014, the parties filed a second joint request to continue the dates in this matter based upon a conflict with a Student's field trip where he will be accompanied by his Mother who is representing him at the hearing. At the prehearing conference on October 6, 2014, the parties addressed Student's request and stipulated to new dates for the prehearing conference and due process hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. Given the age of this matter, further continuances are not contemplated for any reason. The request is:

☒ Granted. All dates are vacated.

Prehearing Conference: November 21, 2014 at 3:00 PM

Due Process Hearing: December 2-4, 2014 at 9:30 AM first day, 9:00 AM other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.
[NOTE: OAH does not calendar hearings on the first Monday of the month as requested.]

IT IS SO ORDERED.

DATE: October 06, 2014

/s/

EILEEN COHN

Administrative Law Judge

Office of Administrative Hearings